

COMPENSATION means money, service, facility or other things of value or financial benefit that is received or to be received in return for or in connection with services rendered or to be rendered. Compensation shall not include payment to an individual receiving payment for employment on a regular basis which includes lobbying activities of any designation. Compensation shall not include the financial gain as a result of determination of a municipal question unless it is in the form of a contingent fee. Payment shall be considered received on the date the contract or agreement is made or the date lobbying commences, whichever is the later.

(3) **EXPENDITURE** means a payment, distribution, loan, advance, reimbursement, deposit or gift of money or anything of value, including a contract, promise or agreement to make an expenditure, regardless of whether the promise or agreement is legally enforceable. Expenditure shall not include an expenditure paid to an individual regularly employed by a person if the expenditure paid to the individual is ordinarily paid regardless of whether the individual engages in lobbying activities and lobbying activities are an incidental part of the individual's regular responsibilities to the person paying the expenditure.

Expenditure defines a payment, distribution of money or goods, loan, advance, reimbursement, deposit or money or something of value such as a contract, a promise or agreement to make an expenditure, regardless of whether the promise or agreement is legally enforceable. An expenditure shall not include an expenditure paid to a regularly employed individual if the person is ordinarily paid regardless of whether the position includes engaging in lobbying activities as a part of their regular job responsibilities.

(4) **GIFT** means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value, unless consideration of equal or greater value is received. Gift shall not include a political contribution otherwise reported as required by law, a commercially reasonable loan made in the ordinary course of business, ordinary social contacts, ordinary business meetings (including meals), or a gift received from a member of a person's immediate family or from a relative within the third degree of consanguinity of a person or of the person's spouse, or from the spouse of a relative described in this subsection.

(5) **IMMEDIATE FAMILY** means a spouse **or partner** residing in the person's household and dependent children.

(6) **LOBBY or LOBBYING** means the solicitation of a City official, by private interview, postal or telephonic communications, **or social media such as email or twitter** or any other means other than public expression at a meeting of City officials open to the public under Chapter 551 (*Open Meetings Act*) of the Texas Government Code, directly or indirectly by a person in an effort to influence or persuade the City official to favor or oppose, recommend or not recommend, vote for or against, or to take action or refrain from taking action on a municipal question. The term lobby or lobbying shall not include a mere request for information or an inquiry about a municipal question, matters, or a

procedure or communication to a City official which is incidental to other employment not for purpose of lobbying.

(7) LOBBY EMPLOYER means a person who compensates another person to lobby on a municipal question of interest to the person.

(8) LOBBYING ENTITY means a corporation, association, firm, partnership, committee, club, organization or group of persons who are voluntarily acting in concert that is compensated by a lobby employer to lobby.

(9) MUNICIPAL QUESTION means a proposed or proposal for an ordinance, resolution, motion, recommendation, report, regulation, policy, appointment, sanction, and bid, including the development of specifications, an award, grant, or contract for more than \$2,000.

Does this include just a CONTRACT of \$2,000 or could it also include something else that would add up to that amount?

(10) PERSON means an individual, corporation, association, firm, partnership, committee, club, organization, or group of persons who are voluntarily acting in concert.

(11) REGISTRANT means a person required to register under Section 4-8-4 (*Persons Required to Register*).

(12) SUBSTANTIAL ECONOMIC INTEREST means holding stock worth \$5,000 or more in, or five percent or more ownership of any business, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or other legal entity which is not publicly traded.

Source: 1992 Code Section 8-16-2; Ord. 031023-12; Ord. 031211-11.

§ 4-8-3 - APPLICABILITY.

This chapter applies to a person who lobbies the mayor, a council member, their aides, a member of a board governed by Chapter 2-1 of the Code, a member of a board, task force, or other bodies established by council and listed by the city clerk in accordance with Section 2-1-3(C) of the Code, and the following city staff: the city manager, an assistant city manager, their aides, the city attorney, an assistant city attorney, a department or assistant department director, **Senior staff members directly involved in the project**, and, where no assistant department director serves, the first principal assistant of the department.

Source: Ord. 20101209-003.

§ 4-8-4 - PERSONS REQUIRED TO REGISTER.

Excepted as provided in Section 4-8-5 (*Exceptions*), a person must register with the city clerk if the person:

- (1) receives compensation of \$200 or more in a calendar quarter for lobbying;
- (2) receives reimbursement of \$200 or more in a calendar quarter for lobbying;
- (3) expends \$200 or more in a calendar quarter for lobbying; or
- (4) lobbies as the agent or employee of a person who:
 - (a) receives compensation of \$200 or more in a calendar quarter for lobbying;
 - (b) receives reimbursement of \$200 or more in a calendar quarter for lobbying; or
 - (c) expends \$200 or more in a calendar quarter for lobbying.

Source: 1992 Code Section 8-16-4; Ord. 031023-12; Ord. 031211-11.

§ 4-8-5 - EXCEPTIONS.

The following persons are not required to register under this chapter:

- (1) A person who owns, publishes or is employed by a newspaper, another regularly published periodical, a radio station, a television station, a wire service or another bona fide news medium that in the ordinary course of business disseminates **to the public**, news, letters to the editor, editorial or other comment or paid advertisement that directly or indirectly oppose or promote municipal questions, **and** if the person does not engage in further or other activities that require registration under this chapter, and does not represent another person in connection with influencing municipal questions. This subsection does not exempt a person whose relation to the news media is only incidental to a lobbying effort or when a position taken or advocated by a media outlet directly impacts, affects, or seeks to influence a municipal question in which the media outlet has a direct or indirect financial interest.

A person who receives compensation from, either by ownership or employment: a newspaper, regularly published periodical, radio or television station, wire service or other bona fide news medium in the regular course of business to disseminate information to the public, even on a short term or temporary basis. This includes: news, letters to the editor, editorial or other comments and paid advertisements directly related to the topic of consideration.

- (2) A person whose only activity is to encourage or solicit a member, employee, or stockholder of an entity by whom the person is reimbursed, employed, or retained to communicate directly with one or more City official to influence a municipal question.

- who encourages, solicits a Council Member, employee, stockholder from an entity that is reimbursed, employed, or communicates directly to influence the topic of consideration.

(3) A person whose only activity to influence legislation or administrative action is attendance at a meeting or entertainment event attended by one or more City officials if the cost of the meeting or entertainment event is not paid, in whole or in part, by the person or anyone on whose behalf the person is lobbying.

- who attends an event of any kind where City officials are in attendance and the cost of the event is not paid for by the attendee on whose behalf they are lobbying.

(4) A governmental entity, its officers and employees, provided they are solely engaged in matters of governmental interest concerning their respective governmental bodies and the City.

- officers and employees of a government entity who are engaged in matters of the City in their respective positions of employment.

(5) A person whose only expenditure is the cost of photocopies of City documents or the cost of purchasing council or board and commission agendas.

- the payee of photocopy cost for City documents of any variety such as agendas, forms, etc.

(6) A person who does not know and has no reason to know whether a municipal question is pending at the time of contact with a City official. This subsection shall not apply if the existence of a municipal question is discovered during contact with a City official and the person then engages in additional lobbying of the same or other City officials.

- this subsection does not apply if there is no knowledge of a topic under consideration at the time of the City contact, if the discovery is after the initial contact, then all regular lobby regulations apply.

(7) A person whose contact with a City official is made solely as part of the process of resolution of a dispute between a person or the City and another person, provided that the contact is solely with City officials who do not vote on or have final authority over a municipal question involved.

- contact with a City official who did not vote or have authority on the topic under consideration and the contact is to resolve a dispute.

(8) A lobbying entity if each registrant who lobbies as an agent of the lobbying entity reports, in cooperation with the lobbying entity, the lobby expenditures made by the lobbying entity that were effected by the registrant.

- each lobby entity must report expenditures of all registrants.

(9) A lobby employer who would only be required to register under Section 4-8-4 (*Persons Required to Register*) because of an expenditure to compensate a registrant to lobby on a municipal question of interest to the lobby employer.

- see (8) above – report all expenditures

Source: 1992 Code Section 8-16-5; Ord. 031023-12; Ord. 031211-11.

§ 4-8-6 - REGISTRATION.

(A) Each registrant shall file annually with the city clerk a registration form signed under oath not later than two working days after becoming a lobbyist. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. A registrant must file a registration form for each person from whom he receives compensation or reimbursement. The registration shall be on a form prescribed by the city clerk and shall include:

- filing time line:

individual registration form signed and notarized no later than two working days after declaration as a lobbyist

group registration form by an officer or agent

each individual registrant must file stating the compensation or reimbursement

the appropriate forms are provided by the city clerk and include the following information:

- full name, permanent street address

- name, address, nature of business conducted

- type or topic of considerations that will be addressed

- group entity: name, address, nature of business

(1) the registrant's full name and permanent street address;

(2) the name and address and nature of business of each lobby employer on whose behalf the registrant will lobby;

(3) the municipal question on which the registrant will lobby; and

(4) if the registrant is the agent or employee of a lobbying entity, the name, address, and nature of business of the lobbying entity.

(B) Each registrant shall file a notice of termination within 30 days after the registrant ceases the activity that required registration; however, this will not relieve the registrant of the reporting requirement of Section 4-8-7 (*Activity Reports*) for that reporting period.

- upon termination of the activity:

notice of termination filed within 30 days

complete reporting as outlined in Section 4-8-7

(C) At the time of registering, a registrant shall pay to the City and the city clerk shall collect an annual registration fee of \$300. All lobbyist registration fees shall be deposited into a separate account within the general fund, which account shall be used to offset the costs of administering the City's lobbying ordinance, the costs of handling disclosure filings, and the costs of administering Chapter 2-2 of the Code (*Campaign Finance*).

- to register:

pay the city with a payment to the city clerk of \$300 per year

payment goes into the general fund for administrative cost of the city lobbying ordinance, disclosure filings, administering Chapter 2-2

Source: 1992 Code Section 8-16-6; Ord. 031023-12; Ord. 031211-11; Ord. 20120426-087; Ord. No. 20120927-091, Pt. 1, 10-8-12.

§ 4-8-7 - ACTIVITY REPORTS.

(A) Each registrant shall file with the city clerk between the first and tenth day of April, July, October and January a report signed under oath concerning the registrant's lobbying activities during the previous calendar quarter. If this registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. A registrant must file an activity report for each person from whom the registrant receives compensation or reimbursement. The report shall be on a form prescribed by the city clerk and shall include:

- Filing requirements:

file the form with the city clerk on these dates – 1 through 10 days of April, July, October, January

a signed and notarized report of lobbying activities from the previous calendar quarter

if not an individual, an authorized officer or agents must sign the form

an activity report must be filed for each person from whom the registered lobbyist receive any form of compensation

These are the guidelines to be followed:

- (1) a complete and current statement of the information required to be supplied pursuant to Section 4-8-6 (*Registration*);
- (2) total expenditures on lobbying broken down into the following categories, provided that each expenditure of \$500 or more shall be itemized by the date, name and address of the recipient, amount and purpose:
 - (a) office expenses;
 - (b) advertising and publications;
 - (c) compensation to other than a full-time employee;
 - (d) reimbursement to others;
 - (e) personal sustenance, lodging and travel, if reimbursed; and
 - (f) other expenses;
- (3) each expenditure, gift or honorarium of \$100 or more made by the registrant or anyone acting on

behalf of the registrant to benefit a City official shall be itemized by date, beneficiary, amount and circumstances of the transaction; also, the aggregate of all expenditures under this paragraph that are less than \$100;

itemize an expenditure by the registered lobbyist or anyone acting on their behalf of \$100 or more which could benefit a city official; by date, beneficiary, amount and kind of transaction to include any transaction whether \$100 or less.

(4) each business entity in which the registrant knows or should know that a City official is a proprietor, partner, director, officer, manager, employer, employee, or has a substantial economic interest and with which the registrant has engaged in an exchange of money, goods, services, or anything of value if the total of the exchanges is \$500 or more in a calendar quarter shall be identified by its name and address, the official, the date, amount and nature of each exchange under this paragraph; and

(how is the registered lobbyist to know of a City official's invested economic interest? Is this information available and readily available? And where is it located?)

(5) the mayor, a councilmember, or their immediate family who are employed by the registrant shall be identified by name and nature of employment.

(does this happen? This is a huge conflict and seems to be something that is totally not allowed)

(B) Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made under this section for two years from the date of filing of the report containing the items.

(C) Each person about whose activities a registrant is required to report by Subsection (A) of this section shall provide a full account of the activities to the registrant at least five days before such registrant's report is due to be filed.

(D) All reports filed under this chapter are public records and shall be made available for public inspection during regular business hours.

(E) The city clerk shall review each report for compliance and maintain a record of all registrations and activity reports. Complaints of violations of this chapter will be forwarded to the city clerk for review. If investigation determines a violation may have occurred, the complaint will be forwarded to the city attorney for appropriate action.

(the City Clerk does not review these nor are complaints filed with the office. This section needs to be deleted)

(F) No quarterly activity report will be required if there is no activity during the preceding quarter and there are no other changes to items required to be reported.

(how up to date are our forms?)

Source: 1992 Code Section 8-16-7; Ord. 031023-12; Ord. 031211-11.

§ 4-8-8 - RESTRICTED ACTIVITIES.

(A) No person who lobbies or engages another person to lobby, nor any other person acting on behalf of the persons shall give to a City official or immediate family gifts that exceed \$100 in value in the aggregate in any calendar year.

(B) No person who lobbies or engages another person to lobby, nor any other person acting on behalf of such persons shall knowingly or willfully make any false or misleading statement or misrepresentation of the facts to a City official, or knowing a document to contain a false statement, cause a copy of the document to be received by a City official without notifying the official in writing of the truth.

(C) No person shall retain or accept employment to lobby on a contingent fee basis or in any manner engage in lobbying activities on a contingent fee arrangement. This restriction shall not apply to a person whose compensation is to be paid upon events other than the passage or defeat of a municipal question and whose contact with a City officer on a municipal question is incidental to the primary purpose (which is for other than lobbying) of the person's employment, provided that a contingent fee is a standard and customary method of payment for the employment of the person.

Source: 1992 Code Section 8-16-8; Ord. 031023-12; Ord. 031211-11.

§ 4-8-9 - APPEARANCE.

Each person or registrant appearing before the council or an official body identified in Section 4-8-3 (*Applicability*) shall complete a speaker identification card prior to that appearance and orally identify himself and the person or interest the person represents before beginning the person's address.

Source: 1992 Code Section 8-16-9; Ord. 031023-12; Ord. 031211-11.

§ 4-8-10 - TIMELINESS OF FILING REGISTRATIONS AND REPORTS.

A registration or report filed by first-class United States mail or by common or contract carrier is timely if:

- (1) it is properly addressed with postage or handling charges prepaid; and
- (2) it bears a post office cancellation mark or a receipt mark from a common or contract carrier indicating a time within the applicable filing period or before the applicable filing deadline, or if the person required to file furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period or before that deadline.

(are we going to be equipped to accept electronic filings completely with a return acknowledgment that it has been received)

Source: 1992 Code Section 8-16-10; Ord. 031023-12; Ord. 031211-11.

§ 4-8-11 - PENALTY.

A person who lobbies in violation of a provision of this chapter, or who shall knowingly obstruct or prevent compliance with this chapter, or who shall fail to meet the reporting provisions of this chapter shall be guilty of a Class C misdemeanor.

Source: 1992 Code Section 8-16-99; Ord. 031023-12; Ord. 031211-11.

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CHAPTER 4-8. - REGULATION OF LOBBYISTS.

§ 4-8-1 - PURPOSE.

The council declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to any city officials their opinions on pending municipal questions and on current issues; and that to preserve and maintain the integrity of the governmental decision-making process in the city, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to influence a City official on matters within their official jurisdictions, either by direct communication to the official, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

The council declares that the operation of responsible democratic government requires that the utmost opportunity be afforded to the people to petition their government to address grievances; to express freely their opinions to any city official regarding pending municipal questions on current issues. To preserve and maintain the integrity of the decision-making process in city government, it is necessary to identify expenditures and activities of persons who make an effort to influence a city official. This can involve matters within their official jurisdiction by direct communication to the official; by solicitation of others who have influence with the officials and that these be publicly and regularly disclosed.

Source: 1992 Code Section 8-16-1; Ord. 031023-12; Ord. 031211-11.

§ 4-8-2 - DEFINITIONS.

In this chapter:

- (1) CITY OFFICIAL means the mayor, a council member, or a member of the City staff or a board, commission, and committee described in Section 4-8-3 (*Applicability*).
- (2) COMPENSATION means money, service, facility or other thing of value or financial benefit that is received or is to be received in return for or in connection with services rendered or to be rendered. Compensation shall not include compensation paid to an individual regularly employed by a person if the compensation paid to the individual is ordinarily paid regardless of whether the individual engages in lobbying activities and lobbying activities are an incidental part of the individual's regular responsibilities to the person paying the compensation. Compensation shall not include the financial gain that an person may realize as a result of the determination of a municipal question, unless that gain is in the form of a contingent fee. Compensation shall be considered received on the date on which the contract or agreement for the compensation is made or on the date lobbying commences, whichever is later.